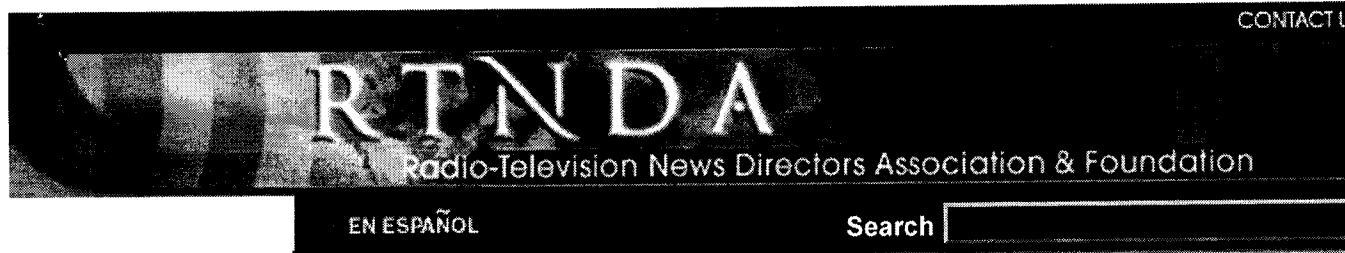


**EXHIBIT A**

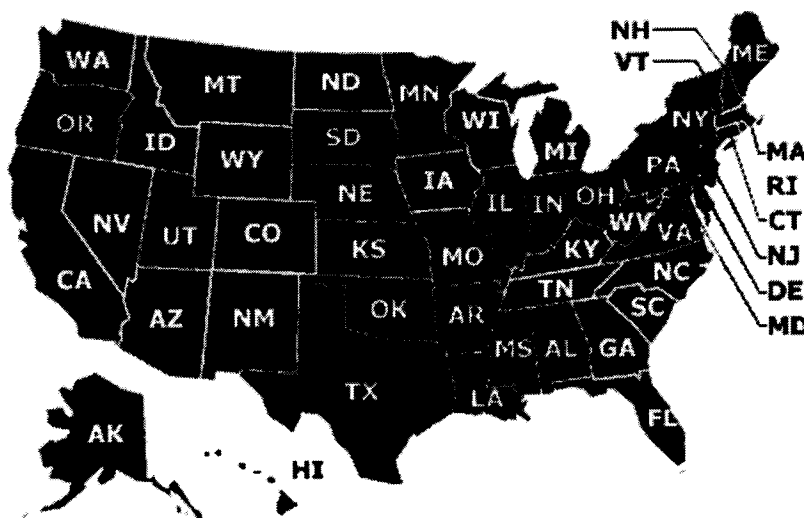


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## FREEDOM OF INFORMATION

### CAMERAS IN THE COURT: A STATE-BY-STATE GUIDE

- Click on your state to read the current law regarding cameras and microphones in the courtroom.



The District of Columbia is the only jurisdiction that prohibits trial and appellate coverage entirely.

#### Legend:

#### **TIER I:** States that allow the most coverage

- Alaska** - requires sex offense victim consent
- Arizona** - coverage of juvenile/adoption proceedings prohibited
- California** - broad discretion in presiding judge
- Colorado** - broad discretion in presiding judge
- Connecticut** - coverage of trade secret and "family" cases prohibited
- Florida** - "qualitative difference" test
- Georgia** - broad discretion in presiding judge
- Idaho** - broad discretion in presiding judge
- Iowa** - need victim/witness consent in sexual abuse cases
- Kentucky** - broad discretion in presiding judge
- Massachusetts** - coverage of certain proceedings prohibited
- Michigan** - judge may prohibit coverage of certain witnesses
- Montana** - broad discretion in presiding judge
- Nevada** - broad discretion in presiding judge

**New Hampshire** - broad discretion in presiding judge  
**New Mexico** - judge may prohibit coverage of certain witnesses  
**North Carolina** - coverage of certain cases/witnesses prohibited  
**North Dakota** - broad discretion in presiding judge  
**Rhode Island** - coverage of certain proceedings prohibited/broad discretion in presiding judge  
**South Carolina** - broad discretion in presiding judge  
**Tennessee** - broad discretion in presiding judge/coverage of minors is restricted  
**Washington** - broad discretion in presiding judge  
**West Virginia** - broad discretion in presiding judge  
**Wisconsin** - broad discretion in presiding judge  
**Wyoming** - broad discretion in presiding judge

**TIER II:** States with restrictions prohibiting coverage of important types of cases, or prohibiting coverage of all or large categories of witnesses who object to coverage of their testimony.

**Hawaii** - coverage of certain cases and witnesses prohibited  
**Kansas** - many types of witnesses may object  
**Missouri** - many types of witnesses may object  
**New Jersey** - coverage of sexual penetration cases prohibited  
**Ohio** - victim/witness has right to object to coverage  
**Oregon** - witnesses discretion to object to coverage of certain cases  
**Texas** - no rules for criminal trial coverage, but such coverage allowed increasingly on case by case basis  
**Virginia** - coverage of sex offense cases prohibited

**TIER III:** States that allow appellate coverage only, or that have such restricting trial coverage rules essentially preventing coverage.

**Alabama** - consent of all parties/attorneys required  
**Arkansas** - coverage ceases with objection by party/attorney  
**Delaware** - appellate coverage only  
**Illinois** - appellate coverage only  
**Indiana** - appellate coverage only  
**Louisiana** - appellate coverage only  
**Maine** - appellate coverage/civil trial/arraignments, sentencings and other non-testimony proceedings in criminal matters  
**Maryland** - appellate coverage/civil trial only  
**Minnesota** - appellate coverage/trial - consent of all parties required  
**Mississippi** - appellate coverage only via the Internet  
**Nebraska** - appellate coverage/audio trial coverage only  
**New York** - appellate coverage only  
**Oklahoma** - consent of criminal defendant required  
**Pennsylvania** - any witness who objects won't be covered, civil trials only without a judge  
**South Dakota** - Supreme Court coverage only  
**Utah** - appellate coverage/trial coverage - still photography only  
**Vermont** - broad discretion in presiding judge

### Alabama

Trial and appellate courtroom coverage is permissible if the Supreme Court of Alabama approved a plan for the courtroom in which coverage will occur. The plan must contain certain safeguards to assure that coverage will not detract from or degrade court proceedings, or otherwise interfere with a fair trial. If such a plan has been approved, judge may, in the exercise of "sound discretion" permit coverage if: (1) in a criminal proceeding, all accused persons and the prosecutor give their written consent and (2) in a civil proceeding, all litigants and their attorneys give their written consent. Following a

of their coverage plans, appellate courts may authorize coverage if the parties and the attorneys give their written consents. In both trial and appellate contexts, the court may halt coverage during any time that a witness, party, juror, or attorney expressly objects. In an appellate setting, it must also halt coverage during any time that a judge expressly objects to coverage.

Authority: Canon 3A(7), 3A(7A), and 3A(7B), Alabama Canons of Judicial Ethics, Ala. Vol. 23A (Rules of Alabama Supreme Court).

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### **Alaska**

The news media, which includes the electronic media, still photographers and sketch artists, may cover court proceedings in all state trial and appellate courts. Administrative Rule 50 permits media coverage anywhere in the state court facility and is not limited to courtrooms. Under the permanent rule, the media must apply for and receive the consent of the presiding judge prior to commencing coverage. Requests for coverage must be made at least 24 hours prior to the proceeding. The consent of all parties is required for coverage of domestic violence, child custody and visitation, paternity or other family proceedings. No person may not be photographed, filmed or videotaped in the courtroom at any time.

Victims of a sexual offense may not be photographed, filmed, videotaped or sketched without the consent of the court and the victim. A procedure is prescribed for suspending an individual's or an organization's media coverage privileges for a period of up to one year for violation of the media coverage plan.

Authority: Rule 50, Rules Governing the Administration of All Courts, Alaska Rules of Court (West).

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### **Arizona**

Electronic and still photographic coverage of proceedings in all state courts and "areas immediately adjacent thereto" is permitted, provided the media follow certain guidelines set forth in the rules for coverage. Coverage of juvenile proceedings is prohibited, and the judge has sole authority to decide whether to permit coverage of all other matters. The photographing of jurors in a way that permits them to be recognized is strictly forbidden. Requests for coverage should be made to the judge of the particular proceeding "sufficiently in advance" of the sought-after coverage event. Only one television and one still camera are allowed in the courtroom at one time and the media are responsible for arranging pooling agreements. No flash bulbs or additional artificial lights of any kind are allowed in the courtroom without the notification and approval of the presiding judge.

Authority: Rule 122, Rules of the Arizona Supreme Court, Ariz. Rev. Stat., Vol. 17A.

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### **Arkansas**

A judge may authorize broadcasting, recording, or photographing in the courtroom and adjacent areas provided that "the participants will not be distracted, or will the dignity of the proceedings be impaired". An objection to the coverage by a party or attorney precludes media coverage of the proceedings and an objection by a witness precludes coverage by that witness. Coverage of juvenile, domestic relations, adoption, guardianship, divorce, custody, support and paternity proceedings is expressly prohibited. Similarly, coverage of jurors, minors without parental or guardian consent, sex crime victims, undercover police agents and informants is also prohibited. Only one television and one still camera are allowed in the courtroom at one time and the media are responsible for arranging pooling agreements.

Authority: Administrative Order Number 6, Rules of Civil Procedure - Appendix, Arkansas Code of 1987 Annotated (Court Rules).

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### **California**

Media coverage of State Court proceedings is governed by Rule 980 of the California Rules of Court. Personal recording devices may be used with advance permission of the judge for personal note-taking only. Media coverage is permitted by written order of the judge following a media request for coverage filed at least five court days before the proceeding is covered. Any such requests must be made on the official form provided by courts. Coverage of jury selection, jurors, spectators, proceedings held in chambers, proceedings closed to the public or conferences between an attorney and a client, witness or aide, or between attorneys or between counsel and the judge is prohibited.

Effective January 1, 1998, Rule 4.1 restricting media coverage within the courthouse specifically authorized by the presiding judge was added to the Los Angeles County Superior Court Rules. This rule also prohibits the filming or photographing of any person wearing a juror badge in the court.

Authority: Rule 980, Miscellaneous Rules, California Rules of Court - State; Rule 4.1 Los Angeles County Superior Court Rules (West).

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### **Colorado**

Canon 3A(8) of the Colorado Code of Judicial Conduct gives judges the power to authorize media coverage of court proceedings, subject to several guidelines. Judges also have the power to prohibit or limit coverage upon a finding of substantial likelihood of interference with a fair trial, disruption or degradation of the proceedings, or harm which is distinct from that caused by coverage by other types of media. Those wishing to cover a particular proceeding must submit a written request to do so to the presiding judge at least one week in advance of the proceeding desired to be covered and must give a copy of the request to counsel for each party participating in the proceeding. Coverage of jury selection, in chambers hearings and most pre-trial hearings is prohibited. No close-up photography of the judge, bench conferences or attorney-client communication is permitted. Consent of the participants is not required. The judge may also terminate coverage if the terms of the canon or any additional rules imposed by the Court have been violated. Only one television and one still camera are allowed in the courtroom at one time and the media are responsible for arranging pooling agreements.

Authority: Canon 3(A)(8), Colorado Code of Judicial Conduct, Colo. Rev. Stat., Vol. 7 (Court Rules), Appendix to Chapter 24.

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### **Connecticut**

Sections 70-9 and 70-10 of the Rules of Appellate Procedure (governing media coverage of the Appellate and Supreme Courts) and Sections 1-10 and 1-11 of the Rules for the Superior Court (governing coverage in trial courts) permit the coverage of judicial proceedings under specific circumstances.

In Appellate courts, those wishing to cover a particular proceeding must submit a written request to do so to the appellate clerk "not later than the Wednesday which is thirteen days before the day in which that proceeding is scheduled to occur. In trial courts, those wishing to cover a particular proceeding must submit a written request to do so at least three days prior to the commencement of the trial to the administrative judge of the judicial district where the case is to be tried. In both courts, coverage of family relations matters, trade secrets cases, sexual offense cases, and cases otherwise closed to the public are prohibited. In jury trials, no coverage of proceedings held in the jury's absence is permitted. Additionally, in criminal cases, sentencing hearings may only be covered if the trials are covered. Photographing or televising individual jurors is prohibited, and where coverage of the jury is unavoidable, no close-ups may be taken.

Authority: §§ 70-9, 70-10, Rules of Appellate Procedure; §§ 1-10, 1-11, Rules for the

## Superior Court, Connecticut Rules of Court (West).

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### Delaware

Rule 53 of the Delaware Superior Court Criminal Rules, Rule 53 of the Delaware Family Court Criminal Rules, and Rule 31 of the Criminal Rules of Delaware Courts of Justice of the Peace forbid coverage. On March 16, 1981, the Bar-Bench-Press Conference of Delaware issued a report recommending that Canon 3A(7) be suspended for one year from September 1, 1981 to August 31, 1982, to permit an experiment modeled after the FRCP rule. Under the proposal, consents of parties would not have been required and final decision regarding coverage would have rested with the judge after giving all interested parties and participants an opportunity to be heard. The Supreme Court of Delaware held a public hearing on this report on September 24, 1981. On January 15, 1982, the Delaware Supreme Court ordered a one year experiment, commencing May 1, 1982, of appellate proceedings in that State. The recommendation for a one year experiment in the trial courts was, in view of the Court's perception of a lack of statistical evidence concerning the use of electronic coverage, found "unacceptable at this time." By order dated April 29, 1982, the Delaware Supreme Court issued guidelines for its one year appellate experiment. Under those guidelines, coverage is permissible so long as it does not impair or interrupt the orderly procedures of the Court. Consents of the parties are not required. This experiment was extended indefinitely by order of the Delaware Supreme Court, dated and effective May 2, 1983.

In 1994, the Bar/Bench Media Committee presented proposed guidelines, for use during the experimental period, which will allow extended media coverage of Delaware trial court proceedings. In response to the proposal, the Delaware Supreme Court, in October 1994, requested further comments from the Committee and an expanded media coverage demonstration. The proposal is still pending before the court.

Authority: Canon 3A(7), Delaware Judges' Code of Judicial Conduct, adopted by Rule 16 of the Delaware Supreme Court, Del. Code, Vol. 16; Rule 53, Delaware Family Court Criminal Rules, Del. Code, Vol. 16; Rule 53, Delaware Superior Court Criminal Rules Code, Vol. 17; Rule 31, Delaware Courts of Justices of the Peace, Criminal Rules, Del. Code, Vol. 16. See also Rule 169, Rules of the Delaware Court of Chancery, Del. Code, Vol. 17 (as modified by above-referenced orders).

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### District of Columbia

Rule 53(b) of the Superior Court Rules of Criminal Procedure, Rule 203(b) of the Superior Court Rules of Civil Procedure, Superior Court Neglect Proceedings Rule 24(b), Superior Court Juvenile Proceedings Rule 53(b), and Superior Court Domestic Relations Rule 53(b) forbid coverage in trial proceedings. Coverage is also prohibited in Appellate proceedings.

Authority: All rules cited in the foregoing paragraph are contained in D.C. Code Ann. (Title 16-Rules-D.C. Courts).

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### Florida

Electronic media and still photography coverage of proceedings is allowed in both the appellate and trial courts. Coverage is subject only to the authority of the presiding judge who may prohibit coverage to control court proceedings, prevent distractions, maintain decorum, and assure fairness of the trial. Exclusion of the media is permissible only if it is shown that the proceedings will be adversely affected because of a "qualitative difference" between electronic and other forms of coverage. *Florida v. Palm Beach Newspapers*, 395 So. 2d 544 (1981). Two still cameras operated by one photographer are allowed in trial and appellate courtrooms at one time. In trial proceedings only one television camera is allowed, while in appellate proceedings, two television cameras operated by two camera persons are allowed. The media are responsible for arranging pooling agreements.

Authority: Rule 2.170, Rules of Judicial Administration, Florida Rules of Court (West).

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### **Georgia**

Rule 18 of the Probate Court Rules, Rule 11 of the Magistrate Court Rules and Rules 26.1 and 26.2 of the Juvenile Court Rules provide guidelines for extended media coverage of those judicial proceedings. Those requesting coverage in these proceedings must file "timely written request" on a form provided by the court with the judge involved in the specific proceeding prior to the hearing or trial. The judge, at his or her discretion, may allow only one television or still photographer in the courtroom at any one time, thereby requiring pooling arrangement. Any additional lights or flashbulbs must be approved by the judge beforehand. Lastly, under the Juvenile Court Rules, pictures of the child in juvenile proceedings is expressly prohibited.

The Superior Court, in addition to the above requirements, prohibits photographing televising members of the jury, unless "the jury happens to be in the background of the topics being photographed."

In the Court of Appeals, written requests for coverage must be submitted at least seven days in advance. Further, radio and television media are required to supply the Court with video or audio tape, respectively, of all proceedings covered. Only one "pooled" television camera with one operator and one still photographer, with not more than two cameras allowed in the courtroom at any one time.

In the Supreme Court, coverage is allowed without prior approval from the Court and the Supreme Court retains exclusive authority to limit, restrict, prohibit and terminate coverage. No more than four still photographers and four television cameras will be permitted in the courtroom at any time. All television cameras are restricted to the alcove of the courtroom while still photographers may sit anywhere in the courtroom designated for use by the public.

Authority: Rules 75-91, Supreme Court Rules; Rules 3.8, 26.1 and 26.2, Juvenile Court Rules; Rule 18, Probate Court Rules; Rule 11, Magistrate Court Rules, Georgia Rules of Court Annotated (West).

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### **Hawaii**

Electronic media and still photography coverage of proceedings is allowed in both the appellate and trial courts. Consent of the judge prior to coverage of a trial proceeding is required, but prior consent of the judge is not required for coverage of appellate proceedings. The judge may rule on the request orally and on the record or by written order if requested by any party. A request for coverage will be granted unless good cause is shown to prohibit it. Good cause for denying coverage is presumed to exist when the proceeding is for the purpose of determining the admissibility of evidence, when child witnesses or complaining witnesses in a criminal sexual offense case are testifying, when testimony regarding trade secrets is being given, when a witness would be put in substantial jeopardy of bodily harm, or when testimony of undercover law enforcement agents involved in ongoing undercover investigations is being received. Coverage of proceedings which are closed to the public is prohibited. These proceedings include juvenile cases, child abuse and neglect cases, paternity and adoption cases, and grand jury proceedings. Coverage of jurors or prospective jurors is prohibited. Only one television camera and one still photographer, with not more than two still cameras are allowed in the courtroom at one time (although the judge may allow more at his/her discretion) and the media are responsible for arranging pooling agreements.

Authority: Rules 5.1, 5.2, Rules of the Supreme Court, Hawaii Court Rules (West).

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### **Idaho**

Rule 45 of the Idaho Court Administrative Rules (ICAR) allows extended coverage of public proceedings, provided permission to cover a proceeding is obtained in advance from the presiding judge. The presiding judge may prohibit coverage or order that the identity of the participant be concealed when such coverage would have a substantial adverse effect on that participant. Coverage of the jury, adoptions, mental health proceedings and other proceedings closed to the public is prohibited. Electronic flash or artificial lighting is prohibited, and the television camera may not "give any indication of whether it is open." Only one still photographer and one camera operator is permitted in the courtroom, and pooling arrangements must be made by the media.

Authority: Rule 45, Idaho Court Administrative Rules (2000).

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### **Illinois**

Illinois Revised Statutes, Chapter 735, § 8-701 specifies that no witness will be compelled to testify in any court in the State if any portion of his testimony is to be covered. Rule 63(A)(7) allows coverage of appellate proceedings, while coverage of trial court proceedings is prohibited. For coverage of appellate proceedings, consents are not required, although the presiding judge or presiding officer, with good cause, may prohibit or terminate coverage at any time. Those wishing to cover a particular proceeding must notify the appropriate clerk of the court not less than five "court" days prior to the date the proceeding is scheduled to begin. One television camera and one still camera, each operated by one camera-person, is permitted in the courtroom at any one time. No equipment or clothing of media personnel can have marks that identify any individual medium or network affiliation. Artificial lighting of any kind is not allowed, and the media are responsible for any pooling arrangements.

Authority: Rule 63(A)(7), Rules of the Illinois Supreme Court(2000); Chapter 735, §8-701, Illinois Compiled Statutes Annotated(2000).

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### **Indiana**

Extended media coverage of oral arguments before the Indiana Supreme Court is allowed. Requests for coverage are to be made at least 24 hours prior to the start of the proceeding.

Beginning September 1, 1997 and continuing indefinitely, the Indiana Court of Appeals allows extended media coverage of its proceedings. Requests for coverage are to be made at least 48 hours prior to the start of the oral argument.

Authority: Order No. 94S00-9901-MS-59.

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### **Iowa**

Extended media coverage is allowed, subject to the authority of the presiding judge to control courtroom conduct and to ensure the fair administration of justice. Requests for coverage must be made to a "media coordinator" at least 14 days in advance of the scheduled proceeding. The "media coordinator" is appointed by the supreme court from a list of nominees provided by a "representative of the media designated by the court", and is responsible for all arrangements of expanded media coverage. Coverage of the jury is limited, and the court requires consent to cover the testimony of a victim/witness in an abuse case. Objections to coverage by certain types of witnesses (e.g., police informants, undercover agents, and relocated witnesses) shall enjoy a rebuttable presumption of validity. In certain types of cases (juvenile, dissolution, adoption, child custody, and trust cases), coverage is permitted only if all parties consent. Only two still photographers each with a maximum of two cameras, and two television cameras are permitted in the courtroom. Pooling arrangements must be made by the media.

Authority: Canon 3A(7) & 3B, Iowa Code of Judicial Conduct, Iowa Court Rules (1999).



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**Kansas**

Rule 1001 of the Kansas Supreme Court authorizes extended media coverage of appellate and trial court proceedings and extends coverage to state municipal court proceedings. Under this rule, coverage is permissible only by the news media and educational television stations and only for news or educational purposes.

The media must give at least one week's notice of its intention to cover a proceeding. However, this requirement may be waived upon a showing of good cause. Photographing individual jurors is prohibited, and where coverage of the jury is unavoidable, no close-ups may be taken. Consents of the participants are not required. The presiding judge may prohibit coverage of individual participants at his discretion; however, if a participant is a police informant, undercover agent, relocated or juvenile witness, or victim/witness at a request not to be covered, the judge must prohibit coverage of that person. Coverage of a participant in proceedings involving motions to suppress evidence, divorce, or trade secrets will also be prohibited, if the participant so requests. Coverage of materials on counsel tables, photographing through the windows or open doors of the courtroom also is prohibited. Moreover, criminal defendants may not be photographed in restraints as they are being escorted to or from court proceedings prior to rendition of the verdict. Only one television camera, operated by one person, and one still photographer, using not more than two cameras, are authorized in any one court proceeding.

Authority: Rule 1001, Rules of the Kansas Supreme Court, Kansas Court Rules and Procedures - State and Federal (1999).

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**Kentucky**

Electronic coverage is permitted in all appellate and trial court proceedings. Consents of the parties are not required, but coverage is subject to the authority of the presiding judge. Requests for coverage should be made to the judge presiding over the proceeding for which coverage is desired. Coverage of attorney-client conferences or conferences at the bar is prohibited. Only one television camera and one still photographer, with not more than two still cameras are allowed in the courtroom at any one time, and the media are responsible for any pooling arrangements.

Authority: Rule 4.310, Rules of the Kentucky Supreme Court, Ky. Rev. Stat. Ann (2000).

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**Louisiana**

Electronic coverage of appellate proceedings is allowed, while coverage at the trial level is generally prohibited. Those wishing to cover trial-level proceedings should consult with the courts of that district or parish concerning coverage. At the appellate level, obtaining the consent of the involved parties is not required, although the Court may prohibit coverage upon its own motion or if an objection is made by a party. Notice of intent to cover a proceeding must be made at least 20 days in advance or, in expedited proceedings, a reasonable time before the proceeding is scheduled to occur. No more than two television cameras, each operated by no more than one camera person, and one still photographer using not more than two still cameras with not more than two lenses for each camera are permitted in the courtroom during proceedings. In addition, the media are responsible for any pooling arrangements.

Authority: Canon 3A(7), Louisiana Code of Judicial Conduct & Appendix (1999).

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**Maine**

Extended media coverage is authorized in all civil matters but coverage in criminal matters is limited to arraignments, sentencings and other non-testimonial proceedings. Cover

divorce, annulment, support, domestic abuse and violence, child custody and protect adoption, paternity, parental rights, sexual assault, trade secrets, and juvenile proceedings is prohibited. Coverage of the jury and any proceeding in which a living child is a principal subject is also prohibited. Requests for coverage should be made to the clerk of the court in which coverage is desired. Only one television camera, operated by one person and no more than two photographers, each with only one camera may be in the courtroom at any one time. Cameras may not have any "insignia or other indication of organizational affiliation". Pooling arrangements are the sole responsibility of the media.

Authority: Administrative Order--Cameras in the Courtroom (July 11, 1994)(West, 2000).

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### **Maryland**

Extended media coverage is permitted only in civil proceedings. Moreover, coverage is permitted at the trial level only with the written consent of all the parties, except consent not required to be obtained from a party that represents the government, or from an individual being sued in his or her governmental capacity. At the appellate level, consent is not required, but a party may move to limit or terminate coverage at any time. Requests for coverage must be submitted to the clerk of the court where the proceedings will be held at least five days before the trial begins. Coverage of jury selection, jurors or courtroom spectators, private conferences between an attorney and a client or conferences at the bench is prohibited. Not more than one television camera is permitted in any trial court proceeding, and not more than two are allowed in appellate proceedings. Only one still photographer, with not more than two cameras with not more than two lenses each, is allowed in both trial and appellate proceedings. Pooling arrangements are the sole responsibility of the media.

Authority: Rule 16-109, Maryland Rules Annotated, (1999).

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### **Massachusetts**

Rule 1:19 of the Supreme Judicial Court of Massachusetts permits extended coverage of proceedings open to the public except hearings on motions to suppress or to dismiss probable cause or jury selection hearings. Close-up short of bench conferences, conferences between attorneys, or attorney-client conferences is prohibited. Frontal and close-up photography of the jury "should not usually be permitted". The media must submit requests for coverage to the presiding judge "reasonably" in advance of the proceedings to be covered, or risk denial.

Authority: Rule 1:19, Rules of Massachusetts Supreme Judicial Court, (2000).

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### **Michigan**

Extended coverage of judicial proceedings is permitted, but requests for coverage must be made in writing not less than three business days before the proceeding is scheduled to begin. A judge may terminate, suspend or exclude coverage at any time upon a finding made and articulated on the record that the rules for coverage have been violated or that the fair administration of justice requires such action. Such decisions are not appealable. Coverage of jurors or the jury selection process is not permitted. The judge has sole discretion to exclude coverage of certain witnesses, including but not limited to, the victims of sex crimes and their families, police informants, undercover agents and relocated witnesses.

Authority: Canon 3A(7), Michigan Code of Judicial Conduct, Michigan Rules of Court

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### **Minnesota**

Expanded coverage is permitted at both the trial and appellate level, but at the trial level judge and all parties must consent to coverage prior to commencement of the trial. Coverage of witnesses who object prior to testifying and coverage of jurors is prohibited. Coverage of hearings which take place outside of the presence of the jury. Judges media representatives must inform the Supreme Court of denials of coverage requests and the reason for such denials.

At the appellate level, consents of the parties and witnesses are not required, but the parties of the Appellate Courts must be notified of an intent to cover the proceedings at least 48 hours in advance of the coverage. Only one television camera and one still photographer using not more than two cameras with two lenses each are permitted in the courtroom during proceedings. The media are responsible for arranging pooling agreements.

Authority: Canon 3A(10), Minnesota Code of Judicial Conduct, Minn. Stat. Ann. vol. 5 (West); Rule 4, General Rules of Practice for the District Courts, Minn. Stat. Ann. vol. 5 (1999).

### **Mississippi**

Extended media coverage is prohibited in trial-level proceedings. In 2001, the Mississippi Supreme Court and Court of Appeals were equipped with voice-activated cameras. Real-time broadcast of Supreme Court arguments over the Internet began on April 2, 2001. See [www.mssc.state.ms.us](http://www.mssc.state.ms.us). Real-time broadcasts of Court of Appeals arguments were scheduled to begin on August 7, 2001. The Supreme Court's system allows broadcast media to capture the video and audio recorded inside the courtroom through portals located in the lobby. The Court of Appeals does not provide the same access.

Authority: Canon 3A(7), Code of Judicial Conduct of Mississippi Judges; Rule 1.04, Local Rules of Circuit and County Courts, Mississippi Rules of Court (1999).

### **Missouri**

Media coverage at both the trial and appellate levels are permitted, but coverage of juvenile selection, juvenile, adoption, domestic relations, and child custody cases is not permitted. Requests for coverage must be made to the media coordinator, in writing, at least five days in advance of the scheduled proceeding and the media coordinator must then give notice in writing, of the request to counsel for all parties, parties appearing without counsel and the judge at least four days in advance of the proceeding. Coverage of objecting participants who are victims of crimes, police informants, undercover agents, relocated witnesses and juveniles is prohibited. Further, the judge may prohibit coverage of any or all of a participant's testimony, either upon the objection of the participant, party, or the court's motion. Only one television camera and one still photographer, using not more than two cameras with two lenses each, are allowed in the courtroom at any one time. The media are responsible for all pooling arrangements.

Authority: Administrative Rule 16, Missouri Supreme Court Rules, (2000).

### **Montana**

Coverage of trial and appellate courts is permitted.

Authority: Canon 35, Montana Canons of Judicial Ethics, 176 Mont. xxiii, 6 Media L. F. (BNA) 1543 (1980).

### **Nebraska**

Media coverage in the Supreme Court and Court of Appeals is explicitly permitted. In

courts, Consents of the parties are not required, although a party may file an objection to media coverage before commencement of the proceedings in question.

Authority: Rules 17, 18; Rules of the Supreme Court/Court of Appeals; Nebraska Court Rules and Procedure (West).

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### **Nevada**

Extended media coverage is permitted, at the judge's discretion except for certain proceedings which are made confidential by law. Obtaining the consent of the participants is not required, but the judge may prohibit coverage of any participant who does not consent to being filmed or photographed. Requests for coverage must be made in writing at least 48 hours in advance of the proceeding, but the judge may grant a request on shorter notice for a "good cause". Deliberate coverage of jurors or of conferences of counsel is not allowed. No more than one television camera and one still photographer are allowed in a proceeding at any one time, and the media are responsible for any pooling arrangements.

Authority: Nevada Supreme Court Rules, Part IV, Rules on Cameras and Electronic Media Coverage in the Courts, (2000).

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### **New Hampshire**

Rule 19 of the Rules of the Supreme Court of New Hampshire permits coverage of the court's proceedings subject to the Court's consent. Rule 78(A) of the Rules of the New Hampshire Superior Court forbids coverage except as provided in those rules or by order of the Presiding Justice. Guidelines for Rule 78 permit coverage and state that the Presiding Justice may forbid coverage on his motion or on the motion of an attorney, party, or a witness called to testify. They also require prior express approval of the Presiding Justice in order to cover the jury in criminal cases. The rules of the New Hampshire District and Municipal Courts provide that upon the petition of any party the court may, in its discretion, permit coverage of its judicial proceedings.

Authority: Rules 19, New Hampshire Supreme Court Rules (Equity); Rule 78(A), New Hampshire Superior Court Rules and Directory (Equity); Rule 1.4, New Hampshire District and Municipal Court Rules, (2000).

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### **New Jersey**

Extended coverage of judicial proceedings is permitted. Consent of the participants is required. Written requests for coverage made with reasonable notice are required. Coverage of juvenile court or custody proceedings, divorce and other matrimonial disputes, trade secrets, domestic disputes in municipal courts, and sexual assault cases is prohibited. The trial judge, has the discretion to allow coverage of crime victims under the age of 18 and of witnesses under age 14. Municipal court cases involving 17 year old defendants charged with motor vehicle violations may be covered. Photographs of jurors should not permit visual recognition of the jurors.

Authority: Rule 1:14, Rules of General Application to the Courts of New Jersey, New Jersey Rules of Court (West).

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### **New Mexico**

Electronic coverage of proceedings in the state's appellate and trial courts is permitted although the judge may limit or deny coverage for good cause. The judge also has the discretion to exclude coverage of certain types of witnesses, including, but not limited to, victims of sex crimes and their families, police informants, undercover agents, relocated witnesses and juveniles. Filming of the jury or any juror is prohibited, as is filming of

selection. Coverage of any attorney-client or attorney-court conferences is prohibited. Any party wishing to cover a proceeding must notify the clerk of the particular court at least 24 hours in advance of the proceeding. Only one television camera and two still photographers with one camera are allowed in the courtroom at any one time, and any pooling arrangements are the responsibility of the media.

Authority: Rule 23-107, New Mexico Supreme Court General Rules,(2000).

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## **New York**

### **Appellate Courts**

Electronic photographic recording of proceedings in appellate courts is permitted, subject to the approval of the respective appellate court. Consent to coverage by parties or the attorneys is not required and any objections by attorneys or parties are limited to those showing good cause. Only two television cameras and two still photographers are allowed in the courtroom at any one time, and coverage is subject to various other technical considerations concerning media equipment.

### **Trial Courts**

Section 52 of the Civil Rights Law ("Section 52") imposes a per se ban on all televising of trial court proceedings, no matter what the circumstances of the case or the assessment of the presiding judge. The statute became effective on July 1, 1997, when Section 218 of the Judiciary Law ("Section 218") expired by operation of law. For all but one of the prior years, Section 218 had allowed, subject to specific limits in certain types of cases and with respect to certain trial participants, the televising of trials in New York State. In 1997, the Legislature failed to renew Section 218, resulting in the reimposition of Section 52, thereby barring extended coverage of trial proceedings. While a number of trial judges have argued that Section 52 is unconstitutional and permitted camera coverage, their authority does not extend beyond the doors of their courtroom, and New York's highest court has not yet considered the question.

Authority: 22 NYCRR § 29.3 (Dec. 31, 1987), NY CLS Standards & Administrative Procedures § 131, New York Civil Rights Law § 52 (trial court); 22 NYCRR §§ 29.1-29.2 (appellate court)(2000).

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## **North Carolina**

The rules for coverage require that the equipment and personnel used in coverage be neither seen nor heard by anyone inside the courtroom and that all personnel and equipment be located in an area set apart by a booth or partition with appropriate openings to allow photographic coverage. The presiding trial judge may permit coverage without booths, however, if coverage would not disrupt the proceedings or distract the jurors. The Chief Justice of the Supreme Court and the Chief Judge of the Court of Appeals may modify the booth requirements in proceedings in these courts. Hand-held audio tape recording may be used upon prior notification to, and with the approval of, the presiding judge.

The rules do not require the consents of participants, but prohibit coverage of jurors. In addition, coverage of certain types of proceedings, such as adoption, divorce, juvenile delinquency proceedings, and trade secrets cases, is prohibited. Coverage of certain types of witnesses, such as police informants, undercover agents, victims of sex crimes and their families, and minor witnesses is also not permitted. Only two television cameras and one still photographer are allowed in the courtroom at any one time, and the media are responsible for any pooling arrangements.

Authority: Rule 15, General Rules of Practice for the Superior and District Courts of North Carolina, North Carolina Rules of Court(2000).

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**North Dakota**

Extended media coverage is authorized in all courts. The judge may deny media coverage of any proceeding or portion of a proceeding in which the judge determines that media coverage would materially interfere with a party's right to a fair trial or when a witness party objects and shows good cause why expanded coverage should not be permitted. A judge may also deny coverage if: the coverage would include testimony of an adult victim or witness in sex offense prosecutions; or would include a juvenile victim or witness in proceedings in which illegal sexual activity is an element of the evidence; or coverage would include undercover or relocated witnesses.

Coverage of proceedings held in chambers, proceedings closed to the public, and jury selection is prohibited. Conferences between an attorney and client, witness or aide, between attorneys, or between counsel and the bench may not be recorded or received by sound equipment. Further, close up photography of jurors is also prohibited.

Requests for expanded media coverage of the Supreme Court must be made at least seventy-two hours before the proceeding and must be made by regular mail and, if possible, by facsimile with copies to counsel of record.

Requests for expanded media coverage of trial court proceedings must be made to the presiding judge at least seven days before the proceeding. Notice of the request must be given to all counsel of record and any pro se parties. The notice must be in writing and must include proof of service with the clerk of the appropriate court.

Authority: Administrative Rule 21; (North Dakota Court Rules).

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**Ohio**

Coverage at the trial and appellate level is permitted.

At the trial level, coverage of objecting witnesses and victims is prohibited. The judge is required to inform victims and witnesses of their right to object to coverage. Requests for coverage must be submitted to the presiding judge, as the consent of the judge is required for coverage to take place. Only one still photographer and one television camera are permitted in the courtroom, unless the judge grants permission to use additional cameras. Coverage of attorney-client conferences and any bench conferences is prohibited. In addition to the above rules, local courts may impose additional obligations and requirements for extended coverage.

The Supreme Court has separate coverage rules for proceedings in that court that generally mirror the rules at the trial level, except that requests for coverage must be filed with the Clerk of the Supreme Court at least 24 hours in advance of the proceeding to be covered.

Authority: Rule 12, Rules of Superintendence for the Courts of Ohio; Rule XVII, Rules of Practice of the Supreme Court, Ohio Rules of Court - State (2000).

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**Oklahoma**

Trial and appellate coverage is permitted, but express permission of the judge is required. Coverage of objecting witnesses, jurors, or parties is not permitted in either criminal or civil proceedings. Moreover, no coverage is allowed in criminal trials without the express consent of all accused persons.

Authority: Title 5, Oklahoma Statutes, Chapter 1, Appendix 4, Canon 3B(9).

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**Oregon**

In the appellate courts, broad discretion to permit or deny coverage is vested in the judge who may deny coverage to "control the conduct of the proceedings before the court, in

decorum and prevent distractions, and insure the fair administration of justice in proceedings before the court." Only one television camera and one still photographer allowed in the courtroom at any one time, and any pooling arrangements are the responsibility of the media.

At the trial court level, coverage is allowed, but a judge may deny coverage if there is "reasonable likelihood" that the coverage would interfere with the rights of the parties fair trial, would affect the presentation of evidence or the outcome of the trial, or if "an or increased burden resulting" from the coverage would interfere with the "efficient administration of justice." Coverage of dissolution, juvenile, paternity, adoption, custody, visitation, support, mental commitment, trade secrets, and abuse, restraining and status order proceedings is prohibited. Also, coverage of sex offense proceedings will be prohibited at the victim's request. Also, upon request, those covering a proceeding must provide a copy to the court and "any other person, if the requestor pays actual copying expense."

Authority: Rule 8.35, Rules of Appellate Procedure; Rule 3.180 Uniform Trial Court Rules Oregon Rules of Court-State (2000).

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### **Pennsylvania**

Photography or broadcasting judicial proceedings is prohibited in both civil and criminal trials.

Authority: Canon 3A(7), Code of Judicial Conduct; Rule 328, Pennsylvania Rules of Criminal Procedure; Rule 7, Rules of Conduct, Offices Standards and Civil Procedure for District Justices, Pennsylvania Rules of Court - State (1999).

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### **Rhode Island**

Extended coverage is prohibited in all trial-level criminal proceedings. At the appellate and in civil proceedings, the judges have "sole discretion" to "entirely exclude media coverage of any proceeding or trial over which he or she presides." Exclusion by the court may also be based on a party's request for non-coverage. Juror consent to coverage is required, and coverage of juvenile, adoption or any other matters in the Family Court which juveniles are significant participants" is prohibited. Coverage of hearings which place outside of the jury's presence (e.g., hearings regarding motion to suppress evidence) is not permitted, and jurors may only be photographed after the jury has been impaneled. Where photographing of the jury is unavoidable, close-ups that clearly identify individual jurors are not permitted.

Only one television camera and one still photographer, using not more than two cameras are allowed in the courtroom, and the media must arrange for any pooling arrangements.

Authority: Article VII, Rhode Island Supreme Court Rules, Rhode Island Court Rules Annotated; Rule 53, Rhode Island Superior Court Rules of Criminal Procedure (1999)

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### **South Carolina**

Extended media coverage is permitted. Those wishing to cover a proceeding must give the presiding judge "reasonable notice" of the request for coverage, and the judge may require a written notice. The judge may also refuse, limit or terminate media coverage of an entire case, portions thereof, or testimony of particular witnesses. Coverage of prospective jurors is prohibited and members of the jury may not be photographed except when they have to be in the background of other subjects being photographed. Two television cameras and two still-photographers are allowed in the courtroom at one time, and the media are responsible for any pooling arrangements. Media personnel's equipment and clothing must not "bear the insignia or marking of any media agency," and the cameraperson must wear "appropriate business attire."

Authority: Rule 605, South Carolina Appellate Court Rules, South Carolina Rules of C (1999).

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### **South Dakota**

Extended coverage of trial and intermediate appellate court proceedings is prohibited July 17, 2001, the South Dakota Supreme Court adopted Rule 01-08, which allows for expanded media coverage of Supreme Court proceedings only, as a pilot project, subject to annual review. Under the rule, public appellate proceedings are presumed open, but may file an objection to such coverage 10 days prior. The rule provides that media coverage may not be limited unless it is shown that such coverage would materially interfere with the rights of the parties or the administration of justice.

Authority: Canon 3B(12), South Dakota Code of Judicial Conduct, S.D. Codified Laws 16-2 (Appendix).

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### **Tennessee**

Extended coverage is permitted in all courts. Requests for coverage must be made in writing to the presiding judge not less than two business days before the proceeding. Coverage of a witness, party or victim who is a minor is prohibited except when a minor is being tried for a criminal offense as an adult. Coverage of the jury selection and the jury deliberations during the proceeding is also prohibited.

In juvenile court proceedings, the court will notify parties and their counsel that a request for coverage has been made and prior to the beginning of the proceedings, the court will advise the accused, the parties and the witnesses of their right to object. Objections by a witness in a juvenile case will limit coverage of that witness. Objections to coverage by the accused in a juvenile criminal case or any party in a juvenile civil action will prohibit coverage of the entire proceeding.

Only two television cameras and two still photographers, using not more than two cars each, are allowed in the courtroom at one time. The media are responsible for any parking arrangements.

Authority: Rule 30, Rules of the Tennessee Supreme Court, Tenn. Code Ann., Vol. 5, (2000).

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### **Texas**

Rule 18c, Texas Rules of Civil Procedure, and Rule 14, Texas Rules of Appellate Procedure, provide for the recording and broadcasting of civil court proceedings.

Rule 18c allows television, radio and photographic coverage with the consent of the trial judge, the parties and each witness to be covered. Coverage also may not "unduly disrupt the participants or impair the dignity of the proceedings."

Rule 14 technically permits coverage of civil and criminal appellate proceedings. Request for coverage at the appellate level must be filed five days prior to the proceeding, and coverage may be subject to other limitations imposed by the presiding judge(s). Those seeking coverage at the trial level should check with the local court, as the Supreme Court has approved local rules submitted by counties and cities in the state to allow coverage of trial proceedings and will continue to do so.

Authority: Rule 18c, Rules of Civil Procedure; Rule 14, Rules of Appellate Procedure

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### Utah

Under Rule 4-401, filming, video recording and audio recording of appellate proceedings is permitted to preserve the record and as permitted by procedures of those courts, but prohibited in trial proceedings except to preserve the record. Still photography of trial appellate proceedings is permitted at the discretion of the presiding judge. Requests for still photography coverage should be made at least 24 hours prior to the proceeding but will be considered less than 24 hours ahead for good cause.

Authority: Rule 4-401, Utah Code of Judicial Administration (2000).

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### Vermont

Extended media coverage of Supreme Court proceedings is permitted without the consent of the full court, but the Chief Justice has discretion to prohibit coverage. The media must inform the Court of its intent to cover a proceeding. Audio recording of conferences by members of the Court, between co-counsel or between counsel and client is prohibited. Only two television cameras, each operated by one cameraperson, and one still photographer, using not more than two cameras, are permitted in the Supreme Court at one time.

At the trial level, coverage is permitted in the courtroom and in immediately adjacent areas which are generally open to the public. Consent of parties and witnesses is not required. The trial judge has discretion to prohibit, terminate, limit or postpone coverage on the judge's own motion or on a motion of a party or request of a witness.

Coverage of jurors is prohibited, except in the background when courtroom coverage would be otherwise impossible. While the rules do not ban coverage of specific types of cases, a reporter's note accompanying the rule suggests that coverage of sex offense, domestic relations, trade secret cases or offenses in which the victim is a minor may be inappropriate. This issue is left to the discretion of the trial judge to evaluate on a case-by-case basis. Coverage of all proceedings which are closed to the public by statute is prohibited. Only two television cameras, each operated by one cameraperson, and one still photographer, not more than two cameras, are permitted in the courtroom at any one time, and they are responsible for any pooling arrangements.

Authority: Rule 35, Vermont Rules of Appellate Procedure; Rule 53, Vermont Rules of Criminal Procedure; Rule 79.2, Vermont Rules of Civil Procedure; Rule 79.2, District Court Civil Rules; and Rule 79.2, Rules of Probate Procedure (2000).

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### Virginia

Extended media coverage of both trial and appellate proceedings is permitted. Coverage of jurors as well as certain kinds of witnesses (police informants, minors, undercover agents and victims and families of victims of sexual offenses) is prohibited. Media coverage of adoption, juvenile, child custody, divorce, spousal support, sexual offense, trade secret proceedings and hearings on motions to suppress evidence is prohibited. Not more than two television cameras and one still photographer are allowed in the courtroom at any one time, and the media are responsible for any pooling arrangements.

Authority: Va. Code Ann. § 19.2-266 (1992).

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### Washington

The Courts of Washington permit extended media coverage of trial and appellate court proceedings. The presiding judge may place conditions on the coverage, and the judge must expressly grant permission and ensure that the media personnel will not distract participants or impair the dignity of the proceedings.

Authority: Rule 16, General Rules, Washington Court Rules - State (West).

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### **West Virginia**

Under the current Code of Judicial Conduct, Canon 3B(12) permits coverage under the guidelines approved by the West Virginia Supreme Court of Appeals. At the trial court, requests for media coverage be made at least one day in advance of the proceeding. The presiding judge may sustain or deny objections made by parties, witnesses and counsel to the coverage of any portion of a proceeding. Audio coverage of attorney-client meetings and any other conferences conducted between and among attorneys, clients, or the presiding judge. Coverage that shows the face of any juror or makes the identity of any juror discernible is prohibited without juror approval. Only one television camera and one still photographer are allowed in the courtroom at any one time, and the media are responsible for any pooling arrangements.

Authority: Canon 3B(12), West Virginia Code of Judicial Conduct; Rules Governing Coverage of Courtroom Proceedings, West Virginia Code Annotated; Rule 8, West Virginia Trial Court Rules, (1999).

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### **Wisconsin**

Extended coverage is permitted, but the presiding judge retains the authority to determine whether coverage should occur and, upon a finding of cause, to prohibit coverage. The judge retains the power, authority and responsibility to control the conduct of proceedings, including the authority over the inclusion or exclusion of the media and the public at particular proceedings or during the testimony of particular witnesses under the experimental and permanent guidelines. A presumption of validity attends objections to coverage of participants in cases involving the victims of crimes (including sex crimes), police informants, undercover agents, juveniles, relocated witnesses, divorce, trade secrets and motions to suppress evidence. An individual juror may be photographed only after her consent has been obtained. Photographs of the jury are permitted in courtrooms where the jury is part of the unavoidable background, but close-ups which enable jurors to be identified clearly are prohibited. Audio coverage of conferences between an attorney, client, co-counsel, or attorneys and the trial judge is prohibited. Three television cameras and three still photographers, using not more than 2 cameras each, are allowed in the courtroom to cover a proceeding.

Authority: Chapter 61, Wisconsin Supreme Court Rules (1999).

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### **Wyoming**

Extended media coverage is allowed in at both the appellate and trial court levels. In criminal proceedings at the trial court level, a request for media coverage must be submitted 24 hours or more prior to the proceedings, and close-up photography or visual recording of the members of the jury is prohibited. Consents of the participants are not required; however, the trial judge has broad discretion in deciding whether there is cause for prohibition of coverage of participants in cases involving the victims of crimes, confidential informants, and undercover agents, and in evidentiary suppression hearings.

Authority: Rule 53, Wyoming Rules of Criminal Procedure, (1999).

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